

Afghanistan: USCIRF Letter to President Bush on Apostasy Trial

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Contact:

Anne Johnson, Director of Communications, (202) 523-3240, ext. 27 WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) wrote to President George W. Bush expressing its concern about the trial and threatened execution of Afghan citizen Mr. Abdur Rahman for apostasy. The Commission has previously noted that the absence of a guarantee of the right to religious freedom in Afghanistan's constitution, together with a judicial system structured to enforce Islamic principles and Islamic law, leaves the door open for a harsh, unfair, or even abusive interpretation of religious orthodoxy to be officially imposed on all Afghans, Muslims and non-Muslims alike, potentially leading to unjust criminal accusations of apostasy and blasphemy. Like Iraq, Afghanistan presents a unique set of circumstances-and a special responsibility-to U.S. foreign policy because the United States has been directly involved in nation-building and political reconstruction. The arrest of Mr. Rahman indicates that religious extremists still have significant influence in Kabul, threatening not just the religious freedom of this one man, but the fundamental rights of each and every Afghan citizen. We believe that it is the obligation of our government to act vigorously on his behalf. The U.S. government should press the Karzai government to allow for free manifestation of religious belief and debate on critical human rights issues, and should urge that Mr. Rahman is immediately freed and the charges dismissed. In addition, President Bush should encourage Mr. Karzai to take substantive steps to address the rule of law deficit which permeates Afghanistan's judiciary. By ensuring that well-trained judges are appointed to the country's courts, the judiciary can serve as a stabilizing force for protecting human rights and the country's nascent democracy. The text of the letter to President Bush follows: Dear Mr. President: We are writing to express our concern about the trial and threatened execution of Mr. Abdur Rahman, an Afghan citizen who was arrested last month in Kabul after his family accused him of changing his religion. He was charged last Thursday by a public prosecutor in Afghanistan with the offense of rejecting Islam. Under Afghanistan's sharia law, Mr. Rahman may face the death penalty if found guilty of apostasy. Already, the prosecutor in Mr. Rahman's case, Mr. Abdul Wasi, has called the defendant "a microbe [who] should be cut off and removed from the rest of Muslim society and should be killed." The judge overseeing the trial has publicly affirmed that if Mr. Rahman does not return to Islam, "the punishment will be enforced on him, and the punishment is death." On several previous occasions, the Commission has raised concern that the Afghan constitution's failure to include adequate guarantees of freedom of religion and expression for members of the country's majority Muslim community could lead to unjust criminal accusations of apostasy and blasphemy. With no guarantee of the right to religious freedom for all individuals, together with a judicial system instructed to enforce Islamic principles and Islamic law, the door is open for a harsh, unfair, or even abusive interpretation of religious orthodoxy to be officially imposed, violating numerous human rights and stifling political dissent for Muslims and non-Muslims alike. The omission of religious freedom guarantees in the Afghan constitution is compounded by a repugnancy clause that states that "no law can be contrary to the beliefs and provisions of Islam." The constitution also provides under Article 130 that "When there is no provision in the Constitution or the law with respect to a case under consideration, the court shall follow the provisions of the Hanafi jurisprudence." This case confirms that fundamental democratic rights and freedoms-and particularly those rights related to freedom of thought, conscience, and religion or belief-are still under threat in Afghanistan. Moreover, it follows several similar events in Afghanistan, including: the filing of formal blasphemy charges in 2002 against then-Minister of Women's Affairs Dr. Sima Samar; the effort by Supreme Court Chief Justice Fazl Hadi Shinwari to disqualify a presidential election candidate for purportedly "anti-Islamic" remarks in 2004; and most recently, in October 2005, the arrest and trial of journalist Ali Mohaqiq Nasab on charges of blasphemy and "insulting Islam." The Commission has for many years urged the U.S. government to press the government of Afghanistan to ensure that all citizens of Afghanistan are protected from spurious accusations of blasphemy or similar charges, are allowed to peacefully discuss the appropriate role of Islam in Afghan law and society, and are allowed to freely dissent from prevailing views and beliefs. The case of Mr. Abdur Rahman clearly puts to the test the Karzai government's commitment to abide by its international human rights obligations, as provided in Afghanistan's constitution. The U.S. government should press the Karzai government to reject such undemocratic practices, allow for free manifestation of religious belief and debate on critical human rights issues, and urge that Mr. Rahman is immediately freed and the charges dismissed. Moreover, this case creates a critical opportunity to encourage Mr. Karzai to take substantive steps to address the rule of law deficit which permeates Afghanistan's judiciary. By ensuring that well-trained judges are appointed to the country's courts, the judiciary can serve as a stabilizing force for protecting human rights and the country's nascent democracy. Mr. President, like Iraq, Afghanistan presents a unique set of circumstances-and a special responsibility-to our foreign policy because the United States has been directly involved in nation-building and political reconstruction. The U.S. government has been working with the Afghan government to develop democratic political systems that will break from the experiences of the previous regime. Yet, the arrest of Mr. Rahman indicates that religious extremists still have significant influence in Kabul, threatening not just the religious freedom of this one man, but the fundamental rights of each and every Afghan citizen. We believe that it is the obligation of our government to act vigorously on his behalf. Respectfully,

Michael Cromartie
Chair

Michael Cromartie, Chair

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